IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-CR-00013-MR-WCM

UNITED STATES OF AMERICA)	
v.)	ORDER
PAUL GORDON DAY,)	
Defendant.)	
)	

This matter is before the Court on a *pro se* letter ("Letter") from Defendant. Doc. 58. The Letter is dated September 29, 2023 and was docketed on October 6, 2023.

To the extent the Letter requests that the Court consider additional information or argument regarding Defendant's pending Motions to Suppress, it is **DENIED**. See Order filed on July 7, 2023 (Doc. 29).

In addition, at one point in the Letter, Defendant states that if his attorney "will not request this type of evidence, then I may need to just represent myself pro se." To the extent the Letter can be construed as a request for a hearing regarding counsel issues, it is likewise **DENIED**, as Defendant's statement is not a sufficient invocation of Defendant's right to self-representation. See United States v. Bernard, 708 F.3d 583, 588 (4th Cir. 2013) (stating that a criminal defendant "may waive the right to counsel and proceed

at trial pro se only if the waiver is (1) clear and unequivocal, (2) knowing, intelligent, and voluntary, and (3) timely").

It is so ordered.

Signed: October 6, 2023

W. Carleton Metcalf

United States Magistrate Judge